

**REMARKS**

Claims 3-12, 17-22 and 24-30 are pending in the application. Claims 3-11, 18-22, 24 and 25 stand rejected under 35 U.S.C. § 103(a). Claims 12, 17 and 26-30 have been withdrawn as being drawn to a non-elected invention.

Claims 3-12, 17-22 and 24-30 have been canceled. Claims 31-40 have been added. Claims 31-40 are presently under consideration.

**REJECTIONS UNDER 35 U.S.C. § 103**

Claims 3-11, 18-22, 24 and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,460,833 (Andrews *et al.*, hereinafter referred to as "Andrews"). This rejection is obviated by cancellation of the rejected claims. Withdrawal of the rejection is kindly requested.

**NEW CLAIMS**

Claims 31-40 have been added. Support for the new claims may be found throughout Applicants' disclosure and, in particular, from page 4, line 28 through page 6, line 24 and claims 1-11 as originally filed. All of originally-filed claims 1-11 are included in the group of claims elected by Applicants for examination in response to the restriction requirement mailed August 14, 2001.

Claim 31 is the sole independent claim. Claim 31 recites an antimicrobial formulation comprising a fatty acid monoester, an enhancer comprising benzoic acid or salicylic acid, two or more anionic surfactants, and a vehicle. Prior to Applicants' disclosure, no reference taught or suggested the use of either benzoic acid or salicylic acid as an enhancer in a fatty acid monoester-containing antimicrobial formulation.

For example, Andrews (column 4, lines 44-56) identifies certain organic acids that may be used in the antimicrobial formulations described therein. Neither benzoic acid nor salicylic acid is among the organic acids identified. Also, no general class of organic acids that includes benzoic acid or salicylic acid is identified as being suitable for use in the Andrews formulations. Thus, there is no teaching or suggestion in Andrews, alone or in combination with any other

reference, that would have led one of ordinary skill in the art to modify the formulations of Andrews to include either benzoic acid or salicylic acid as an enhancer. Additionally, there is no teaching or suggestion in Andrews or any other reference that would have provided one of ordinary skill in the art a reasonable expectation that benzoic acid or salicylic acid would be effective as an enhancer in an antimicrobial formulation such as that described in Andrews. Thus, Applicants submit that claim 31 is in condition for allowance.

Claims 32-40 all depend from claim 31. Therefore, Applicants submit that each of claims 32-40 is patentable for at least the reasons set forth above regarding the patentability of claim 31.

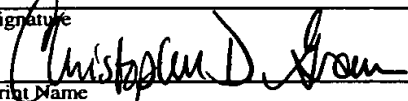
In light of the remarks set forth above, Applicants respectfully submit that claims 31-40 are in condition for allowance.

#### CONCLUSION

In view of the amendments and remarks provided above, Applicants submit that all claims under consideration are in condition for allowance. Examination and allowance of the claims is respectfully requested.

Respectfully submitted,

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